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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,182

02/26/2004

Gary Piaget

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03/14/2008

DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

EXAMINER

CROW, STEPHEN R

ART UNIT

PAPER NUMBER

3764

MAIL DATE

DELIVERY MODE

03/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/789,182	Applicant(s) PIAGET ET AL.	
	Examiner Steve R. Crow	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-251 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-251 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species.
2. Group 1, claim(s) 1-3,189-201, drawn to figures 87-89.
3. Group 2, claim(s) 4-5, drawn to figure 90.
4. Group 3, claim(s) 6-8, drawn to figure 91.
5. Group 4, claim(s) 9,145-147, drawn to figure 1.
6. Group 5, claim(s) 10, drawn to figure 92.
7. Group 6, claim(s) 11-12, drawn to figure 94.
8. Group 7. claim(s) 13-15, drawn to figure 95
9. Group 8, claims (s) 16-21, drawn to figure 97.
10. Group 9, claims(s) 22-24,,drawn to figure 102,
11. Group 10, claim(s) 25-27, drawn to figure 104.
12. Group 11, claim(s) 28-30, drawn to figure 105 ,
13. Group 12, claims 31-32, drawn to figure 106.
14. Group 13, claims(s) 33-35, 42-44, drawn to figure 111.
15. Group 14, claim(s) 36-41, drawn to figure 109.
16. Group 15, claim(s) 45-46, drawn to figure 112.
17. Group 16, claim(s) 47-52, 54-55, drawn to figure 26.
18. Group 17, claim(s) 53, drawn to figure 28.

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19. Group 18, claim(s) 56-59, drawn to figure 30.
20. Group 19, claim(s) 60-64,66, drawn to figure 31.
21. Group 20, claims 65,67, drawn to figure 32.
22. Group 21, claim(s) 68, drawn to figure 34.
23. Group 22, claim(s) 69-74,133-144 drawn to figure 49,.
24. Group 23, claim(s) 75-83,148-150, drawn to figure 50.
25. Group 24, claim(s) 84-89, drawn to figure 40A.
26. Group 25. claim(s) 90-98, drawn to figure 41A.
27. Group 26, claim(s) 99-106, drawn to figure 43.
28. Group 27, claim(s) 107-115, drawn to figure 44A.
29. Group 28, claim(s) 116-120, drawn to figure 45A-B.
30. Group 29 , claim(s) 121-123. drawn to figure 46A-.C.
31. Group 30, claim(s) 124-128, drawn to figure 47.
32. Group 31, claim(s) 129-132, 202-215, drawn to figure 63.
33. Group 32, claim (s) 151-158, 172 drawn to figure 58.
34. Group 33, claim(s) 159-167 drawn to figure 42.
35. Group 34, claim(s) 168-169. drawn to figure 59.
36. Group 35, claim(s) 170-171, drawn to figure 54,
37. Group 36, claim(s) 173-175, drawn to figure 60,
38. Group 37, claim(s) 176-179, draws to figure 61B.
39. Group 38, claim(s) 180-185, drawn to figure 62A.
40. Group 39, claim(t) 186-188. drawn to figure 64A.

41. Group 40, claim(s) 216-217 drawn to an unknown figure (no figures have plural side tubes which slidably engage each other).
42. Group 41, claim(s) 218-219. drawn to figure 71.
43. Group 42. claim(s) 220-224, drawn to figures 72A-72B.
44. Group 43, claim(s) 225, drawn to figure 73,
45. Group 44, claim(s) 235, drawn to figure 74.
46. Group 45, claims 227-231, drawn to figure 85.
47. Group 46, claim(s) 232,233,235-241, drawn to figure 76.
48. Group 47 claim(s) 234,242-245 drawn to figure 77.
49. Group 48, claim(s) 246-249, drawn to figures 108-110.
50. Group 49 ,claim (s) 250-251, drawn to figures 82-83.

51. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would

not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

As applicant can well appreciate, a clear and understandable history of an application is of paramount importance. The reply to this requirement will help with the analysis of the claimed invention with respect to the prior art.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

52. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve R. Crow whose telephone number is 571-272-4973. The examiner can normally be reached on Max Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on 571-272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sc

/Steve R Crow/

Primary Examiner, Art Unit 3764